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UNITED STATES DISTRICT COURT

DISTRICT OF NEVADA

UNITED STATES OF AMERICA,)	
)	
Plaintiff,)	
)	
v.)	3:12-CV-346-LRH-(WGC)
)	
\$71,585.00 IN UNITED STATES)	
CURRENCY,)	
)	
Defendant.)	

DEFAULT JUDGMENT OF FORFEITURE

The United States filed a verified Complaint for Forfeiture in Rem on June 21, 2012.
Complaint, ECF No. 1. The Complaint (ECF No. 1) alleges the defendant property:

- a. was furnished or was intended to be furnished in exchange for controlled substances in violation of Title II of the Controlled Substances Act, 21 U.S.C. § 801 et seq., and is subject to forfeiture to the United States Pursuant to 21 U.S.C. § 881(a)(6);
- b. is proceeds traceable to exchanges of controlled substances in violation of Title II of the Controlled Substances Act, 21 U.S.C. § 801 et seq., and is subject to forfeiture to the United States pursuant to 21 U.S.C. § 881(a)(6);
- and

1 c. was used or intended to be used to facilitate violations of Title II of the
2 Controlled Substances Act, 21 U.S.C. § 801 et seq., and is subject to forfeiture
3 to the United States pursuant to 21 U.S.C. 881(a)(6).

4 On August 2, 2012, the Court entered an Order for Summons and Warrant of Arrest in Rem
5 for the Property and Notice and issued the Summons and Warrant of Arrest in Rem. Order for
6 Summons and Warrant, ECF No. 3; Summons and Warrant, ECF No. 4.

7 Pursuant to the Order (ECF No. 3), the Complaint (ECF No. 1), the Order (ECF No. 3), the
8 Summons and Warrant (ECF No. 4), and the Notice of Complaint for Forfeiture (Notice of Filing
9 Service of Process, ECF No 7, p. 3-4) were served on the defendant property and all persons
10 claiming an interest in the defendant property. All persons interested in the defendant property were
11 required to file their claims with the Clerk of the Court no later than 35 days after the notice of this
12 action was sent by mail, followed by the filing of an answer to the Complaint within 21 days after
13 the filing of their respective claims. Complaint, ECF No. 1; Order, ECF No. 3; Summons and
14 Warrant, ECF No. 4; Notice of Filing Service of Process, ECF No. 7.

15 Public notice of the forfeiture action and arrest was given to all persons and entities by
16 publication on the official government website www.forfeiture.gov from August 8, 2012, through
17 September 6, 2012. Notice of Filing Proof of Publication, ECF No. 5.

18 On August 17, 2012, the United States Marshals Service served the Complaint, the Order, the
19 Summons and Warrant of Arrest in Rem for the Property, and the Notice by executing them on the
20 defendant property. Notice of Filing Service of Process, ECF No. 7, p. 2-15.

21 On August 17, 2012, the United States Marshals Service served the Complaint, the Summons
22 and Warrant of Arrest in Rem for the Property, the Order, and the Notice on Matthew Maloney by
23 certified return receipt mail and regular mail. Notice of Filing Service of Process, ECF No. 7, p. 16-
24 45.

25 On August 17, 2012, the United States Marshals Service served the Complaint, the Summons
26 and Warrant of Arrest in Rem for the Property, the Order, and the Notice on Thomas Maloney by

1 certified return receipt mail and regular first class mail. Notice of Filing Service of Process, ECF No.
2 7, p. 46-75.

3 On August 17, 2012, the United States Marshals Service served the Complaint, the Summons
4 and Warrant of Arrest in Rem for the Property, the Order, and the Notice on Tracy Klugman by
5 certified return receipt mail and regular first class mail. Notice of Filing Service of Process, ECF No.
6 7, p. 76-105.

7 On September 12, 2012, the United States Marshals Service personally served the Complaint,
8 the Summons and Warrant of Arrest in Rem for the Property, the Order, and the Notice on Thomas
9 Edward Maloney by and through Tammy M. Riggs, his counsel. Notice of Filing Service of Process,
10 ECF No. 7, p. 106-119.

11 On January 23, 2013, Thomas Edward Maloney filed a claim. Notice of Claim, ECF No. 8.

12 On February 21, 2013, a Request for Entry of Default was filed with the Court. Request for
13 Entry of Default, ECF No. 9.

14 On February 27, 2013, an Unopposed Motion to Withdraw Request for Entry of Default was
15 filed with the Court (ECF No. 10). On February 27, 2013, an Order was entered by the Court
16 granting the Unopposed Motion to Withdraw Request for Entry of Default (ECF No. 11).

17 On August 22, 2013, a proposed Settlement Agreement, Stipulation for Entry of Judgment of
18 Forfeiture as to Thomas Edward Maloney, and Order, was filed with the Court. Proposed Settlement
19 Agreement, Stipulation for Entry of Judgment of Forfeiture as to Thomas Edward Maloney, and
20 Order, ECF No. 12.

21 On August 29, 2013, the Court entered an Order approving the Settlement Agreement,
22 Stipulation for Entry of Judgment of Forfeiture as to Thomas Edward Maloney. Order, ECF No. 13.

23 No other person or entity has filed a claim, answer, or responsive pleading within the time
24 permitted by 18 U.S.C. § 983(a)(4) and Fed. R. Civ. P. Supp. Rule G(4) and (5).

25 Matthew Thomas Maloney is not in the military service within the purview of the
26 Servicemen's Civil Relief Act of 2003. Exhibit 1.

1 Tracy Ann Klugman is not in the military service within the purview of the Servicemen's
2 Civil Relief Act of 2003. Exhibit 2.

3 On September 3, 2013, the United States filed an Amended Request for Entry of Default
4 against the defendant property and all persons or entities who claim an interest in the defendant
5 property in the above-entitled action. Amended Request for Entry of Default, ECF No. 14.

6 On September 4, 2013, the Clerk of the Court entered a Default against the defendant
7 property and all persons or entities who claim an interest in the defendant property in the above-
8 entitled action. Default, ECF No. 15.

9 The allegations of the Complaint are sustained by the evidence and are adopted as findings of
10 fact. The Court concludes as a matter of law that the United States is entitled to the relief requested
11 in the Complaint.

12 NOW, THEREFORE, IT IS HEREBY ORDERED, ADJUDGED, AND DECREED that
13 Default Judgment of Forfeiture be entered against:(1) the \$71,585.00 in United States Currency; (2)
14 Matthew Thomas Maloney; (3) Tracy Ann Klugman; and (4) all other persons or entities who may
15 claim an interest in the defendant property in the above-entitled action, except for Thomas Edward
16 Maloney.

17 IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that said property be, and the
18 same is hereby forfeited to the United States of America, and no right, title, or interest in the
19 property shall exist in any other party.

20 IT IS HEREBY CERTIFIED, pursuant to 28 U.S.C. § 2465(a)(2), that there was reasonable
21 cause for the seizure or arrest of the defendant property.

22 Dated: October 8, 2013



23
24 UNITED STATES DISTRICT JUDGE